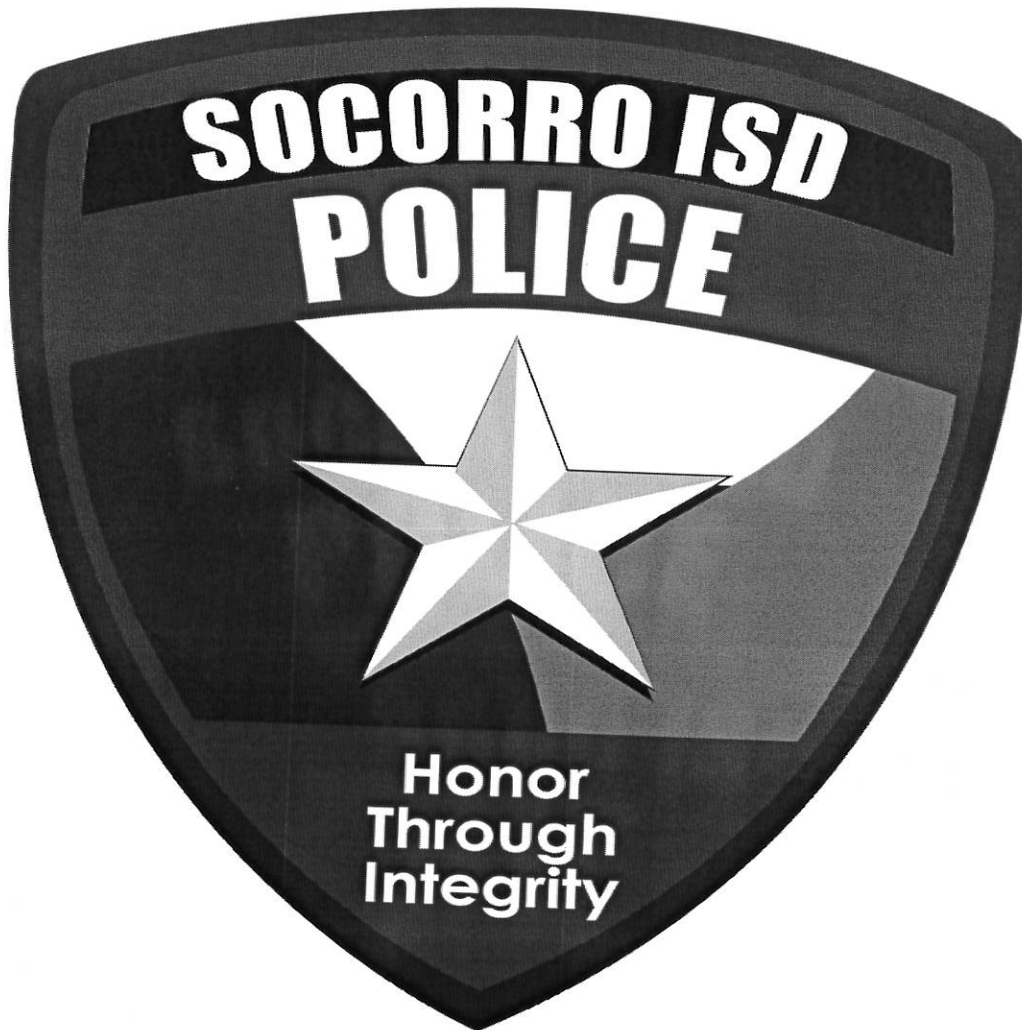


**SOCORRO ISD POLICE DEPARTMENT**

**SENATE 1074 BILL  
DATA COLLECTION  
REPORT  
2016**



**By**

**Chief Luis A. Vega**



**SOCORRO INDEPENDENT SCHOOL DISTRICT  
POLICE SERVICES**

**1300 JOE BATTLE BLVD. EL PASO, TEXAS 79936 (915) 937-4357**

January , 2016

Socorro ISD Board of Trustees,

Senate Bill 1074, known as the Racial Profiling Law, requires that law enforcement agencies collect, analyze, and report their findings regarding racial profiling to their respective governing agency on an annual basis, on or before March 1<sup>st</sup>. The State of Texas requires all agencies to provide Tier I level reports (basic), versus Tier 2 level reports, which are more comprehensive in nature.

As a result, police agencies are directed to submit Tier 1 level reports to their governing agencies by March 1st. The Socorro ISD Police Services Department has been in compliance with the collection requirements; therefore the data is readily available for review and analysis.

Attached you will find the detailed report on Racial Profiling. We are pleased to report that based on our analysis, this report supports the professionalism of our officers, who conduct both traffic and pedestrian stops only for legal cause, as they are bound to by their duty and oath of office.

Respectfully

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Luis A. Vega

Chief of Police

# **Socorro ISD Police Contact Data Annual Report**

**January 1, 2015 – December 31, 2015**

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## **Guidelines for Compiling and Reporting Data under Senate Bill 1074**

### **Background**

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### **Standard I**

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and requires the collection of certain types of data for subsequent reporting.

### **Commentary**

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers official duties."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

*SISD Response* – The SISD-PD has met the all of the requirements of Standard I.

- A policy was already established that prohibits Racial Profiling.
- A dual complaint process is in place; the option of filing a complaint at SISD Police Services or at Employee Relations via existing district policy.

- The current SISD discipline process in place already addresses any validated disciplinary actions to be taken.
- The data collection process has been in place since 2002.
- Public Education – A posting was placed on the SISD-PD webpage.

## **Standard 2**

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing Law enforcement agency information relating to the stop, to include;

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

## **Commentary**

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

*SISD Response* – The SISD-PD has met all the requirements of Standard 2.

- A data collection form was created that each officer is required to complete and submit as a permanent record for any stops by officers as defined. These forms are on file in both hardcopy ( paper) and electronic (converted to a database).

## **Standard 3**

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133 Texas Criminal Code of Procedure.

## **Commentary**

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person

stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1st of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search;
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop;
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier 1 and 2 reports are reported to the county or municipality not later than March 1 for the previous calendar *year* beginning March 1, 2003. Tier *two* reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier 2 reporting requirements by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

*SISD Response* – The SISD-PD has met this requirement. The analysis is presented at the end of the report.

#### **Standard 4**

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:



- adopts standards for reviewing and retaining audio and video documentation;
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

#### **Commentary**

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

*SISD Response* – N/A. The SISD-PD does not have video and audio equipment in its police vehicles, therefore this standard does not apply.

#### **Standard 5**

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

#### **Commentary**

None

*SISD Response* – An evaluation of SISD-PD general operations has found that it is not feasible to install video and audio equipment in police vehicles for two reasons. First, due to the nature of their assignments, SRO vehicles are stationary (parked) during most of their normal duty time; secondly, the cost for the equipment is prohibitive considering that the police vehicles are parked a majority of the time they are in use.

#### **Standard 6**

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year;
- video and audio documentation is retained for at least 90 days.

*SISD Response* – N/A. Exempt as the SISD-PD does not have audio video equipment.

#### **Commentary**

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved, Peace officers are not exempt from the requirements under Article 2.132 TCCP.

#### **Standard 7**

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

#### **Commentary**

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

*SISD Response* – The SISD-PD is in compliance with this standard. The citations currently require the collection of race or ethnicity, and a separate but attached Racial Profiling Data Collection Form provides for the collection of the required search information. Under review is actually adding this data collection field to the citations.

## **Filing a Racial Profile Complaint with the Socorro ISD Police Department**

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

### **THE INTERVIEW**

A representative of the Police department will interview the individual filing the complaint. The representative will ask the alleged victim questions about what happened. It is possible that the representative will be able to explain the officer's actions to the complainant's satisfaction.

### **THE INVESTIGATION**

After the interview, the Socorro ISD Police Department will investigate the alleged misconduct. Investigators will talk to witnesses and visit the site of the incident.

### **THE REVIEW PROCESS**

The Police Chief reviews every complaint after the investigation is completed and a report is written.

### **THE FINDINGS**

The results of the complaint are called "findings". There are four possible findings:

- Sustained – the complaint has been supported: the officer(s) involved acted improperly and may be disciplined
- Unfounded – the investigation found no basis to the complaint filed.
- Exonerated – The police officer(s) involved acted properly and will not be disciplined.
- Not sustained – There was not enough evidence to prove the complaint true or false and no further action will be taken

The Police Chief will decide on a finding after the complaint has been reviewed. Dependent on the merit and level of the complaint, it will be disposed of by either the Chief of Police, or forwarded to the Assistant Superintendent – Personnel Services, for final disposition.

Furthermore he/she will inform the alleged victim through an official letter of the final decision.



## TRAINING

In compliance with the Texas Racial Profiling Law, the Socorro ISD Police Department has mandated that all officers adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Institute of Texas (LEMIT) requirements as mandated by law.

- All officers from the Socorro ISD Police department are required to complete a TCOLE training and education program on racial profiling no later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupation Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.
- The Chief of Police, as part of the initial training and continued education for such appointment, attended the LEMIT program on racial profiling. This fulfills the training requirements as specified in the Texas Education Code (96.641) of the Texas Racial Profiling Training law.

## Tier 1 Data for Socorro ISD PD 2015

### General Demographics of Contacts and Searches Traffic and Pedestrian

Race/Ethnicity	Contacts		Searches		Consensual Searches		PC for Search		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian/ Hispanic	1540	98.04	31	96.88	22	95.65	6	100	2	100
African	30	1.9	1	3.12	1	4.35	0	0	0	0
Asian	1	.06	0	0	0	0	0	0	0	0
Native American	0	0	0	0	0	0	0	0	0	0
Total	1571	100	32	100	23	100	6	100	2	100

### SUMMARY STATEMENT

In the final analysis we found the Socorro Independent School District Police Department to be within acceptable limits

This year's findings suggest that the Socorro Independent School District Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received any complaints from its community regarding officer misconduct associated with racial profiling practices.

In addition, all Socorro Independent School District Police Officers have continued the mandatory training requirements from TCOLE which includes Racial Profiling classes. The Socorro Independent School District Police Department has now, and in the past, operated under guidelines of professionalism and fairness to all persons regardless of race, ethnicity, or national origin.

The Socorro Independent School District – Police Services Department continues to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the Socorro Independent School District, the city of El Paso, the County of El Paso, and other neighboring law enforcement agencies in order to enhance the quality of education and life in our community.

### Checklist

1. The following requirements must be met by all law enforcement agencies in the State of Texas
  - ☒ Clearly defined act of actions that constitutes racial profiling
  - ☒ Statement indicating prohibition of any peace officer employed by the Socorro Independent School District Department from engaging in racial profiling
  - ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations
  - ☒ Provide public education related to the compliant process
  - ☒ Implement Disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
  - ☒ Collect data (Tier 1) that includes information on
    - a) Race/ethnicity of individual detained
    - b) Whether a search was conducted
    - c) If there was a search, whether it was consent search or a probable cause search
    - d) Whether a custody arrest took place
  - ☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body
  - ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation (*N/A to the SISD-PD*)

For additional questions regarding the information presented in this report please contact:

Chief Luis A. Vega  
1180 Joe Battle  
El Paso, Texas 79936  
(915) 937-0780  
(915) 858-4801  
[lvega@sisd.net](mailto:lvega@sisd.net)

## Attachment A

### TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 NORTH LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

[www.txdps.state.tx.us](http://www.txdps.state.tx.us)



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September 23, 2002

Ramon L. Rendon  
Socorro Independent School District  
201 Tenton Street  
El Paso, TX 79927

RE: Video units – Senate Bill 1074/Article 2.131, *et seq.* of the Texas Code of Criminal Procedure

Dear Ramon L. Rendon:

The Texas Department of Public Safety has reviewed your application to receive video units pursuant to Article 2.131, *et seq.* of the Texas Code of Criminal Procedure.

Your law enforcement agency has timely complied with the application requirements in 37 TEX. ADMIN. CODE §1.282(c) and Article 2.135(a)(2) of the Texas Code of Criminal Procedure.

Based on 37 TEX. ADMIN. CODE §1.281, *et seq.*, your agency is not eligible to receive video units. Your application is therefore denied.

Pursuant to Article 2.135(a)(2) of the Texas Code of Criminal Procedure, this letter shall serve as your agency's exemption from the following: 1) your peace officer's reporting requirements under Article 2.133; and 2) your agency's compilation, analysis and reporting requirements under Article 2.134.

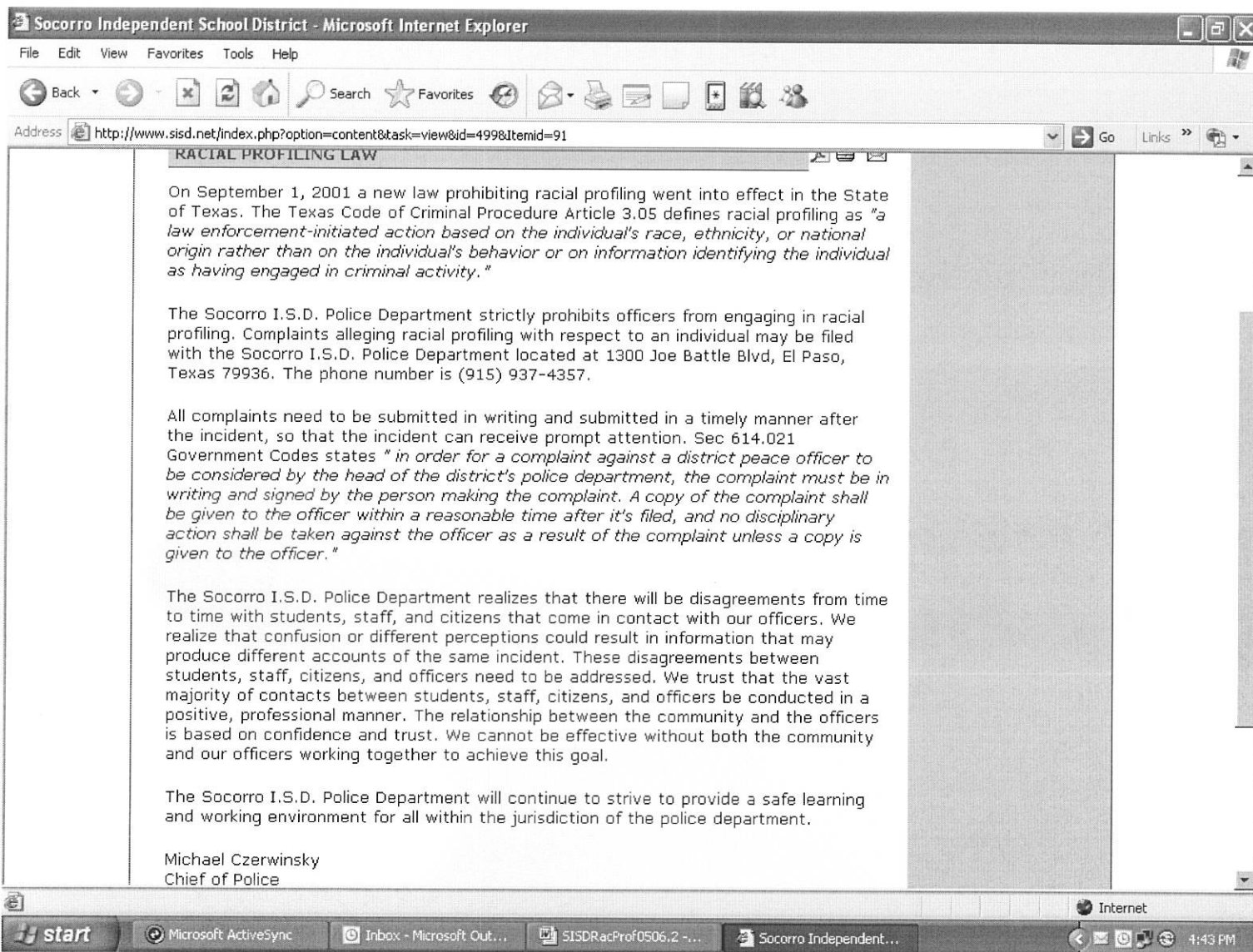
Your agency may be eligible to purchase video units on the state contract with Mobile-Vision, Inc. For more information about the state contract, please contact the Texas Building and Procurement Commission at (512) 463-3416 or 1-888-472-0500.

Sincerely,

Thomas A. Davis, Jr.  
Director

TAD:RKE:AA

## Attachment B



## **Attachment C**

### **SOCORRO ISD POLICE RACIAL PROFILING POLICY**

1. Purpose:  
To establish procedural guidelines for the prevention of racial profiling in the Police Department of the Socorro Independent School District; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of the law.
2. Policy Statement:  
The Socorro Independent school District police Department prohibits racial profiling. No Socorro ISD Police Officer shall use racial profiling as the basis of a stop or detention.
3. Definitions:
  - a. The term racial profiling means a law enforcement encounter initiated primarily on the basis of race, descent, ethnicity, economic status, religion, gender, sexual orientation or national origin rather than on the individuals behavior or on information identifying the individual as having engaged in criminal activity.
  - b. Race or ethnicity means a person of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.
  - c. The term articulable suspicion includes probable cause or reasonable suspicion that an offense has been committed, is being committed, or is about to be committed by a specific person(s).
4. Policy:
  - a. Racial profiling prohibited.
    1. SISD Police officers are absolutely prohibited in the utilization of race, descent, ethnicity, economic status, religion, gender, or sexual orientation of a motorist or offender as an element in the stop or detention of any person.
    2. SISD Police Officers must demonstrate probable cause for the detention of any person
  - b. Complaint process.



1. Individuals who believe that the department or one of its officers has violated this policy may file a complaint to any officer, including the one who made the stop or detention.
2. The officer to whom the complaint is made will record the name, address, and phone number of the person making the complaint, and report this information to a supervisor prior to the end of the shift.
3. In order for a complaint against a District Peace Officer to be considered by the head of the District Police Department, the complaint must be in writing and signed by the person who is making the complaint.
4. The information from the complaint shall be forwarded to the Officer designated to investigate Internal Affairs incidents.
5. A copy of the complaint shall be given to the officer within 10 business days after it is filed.
6. The complaint should be submitted to the Chief of Police, who will respond within 10 business days of his receipt of the complaint, unless circumstances require more time to investigate, in which case the Chief of Police will notify the complainant of the date on which he or she will respond.
7. The Chief may schedule a meeting with the complainant and/or with any officer involved, in order to discuss the matter.
8. Upon completing his investigation of the complaint, the Chief shall issue a decision of the matter, and, if appropriate, take appropriate action against any officer found to be in violation of this policy.
9. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

c. Collection of information and reports

1. The department shall collect information relating to traffic stops in which a citation is used and relating to arrests that results from those traffic stops, the information shall include:
  - a. The race or ethnicity of the individual detained;
  - b. Whether a search was conducted, and, if so, whether the person detained consented to the search.

2. The Department shall have available an annual report of this information to the Board of Trustees. This report will be available not later than March 1, of each year and must contain the information compiled during the previous calendar year.

This report shall include:

- a. A comparative analysis of the information compiled to:
  - (1) Determine the prevalence of racial profiling by peace officers employed by the agency; and
  - (2) Examine the disposition of traffic and pedestrian stops made by each officer employed by the department, including searches that result from the stops; and
- b. Information relating to each complaint filed with the Department alleging that one of its peace officers has engaged in racial profiling.

The report may not contain identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer.

- d. Cameras and recording of law enforcement encounters.

1. Upon adoption of this policy, the Department shall consider the feasibility of installing video cameras and voice-actuated microphone equipment in each of its law enforcement motor vehicles that is regularly used to make traffic stops.
2. The reporting requirement of this policy is inapplicable if, during the preceding school year:
  - a. Every vehicle used by the Department to make traffic and pedestrian stops is equipped with video cameras and voice activated microphones:
  - b. Every traffic and pedestrian stop made by an officer that is capable of being recorded by such equipment.
  - c. If audio/video is utilized:
    1. Tapes of stops/detention shall be retained for a period of time not less than 90 days from such detention.
    2. If a complaint is received relevant to any stop/detention, the audio/video tapes must be retained until final disposition of the complaint.

3. A copy of the audio/video tape shall be provided to any officer who is being investigated under this policy.
4. The officer tasked with the investigation will review the video and audio documentation in a random manner so that a portion of the documentation of each officer is reviewed at least once during each year.

e. Public Education (*under review for amendment*)

The Department shall post this policy at each of its offices, at the district Administration Building, and at each campus in the District. Upon initial adoption of this policy, the Department shall hold a public education session, in which it will explain its complaint process to interested members of the public.

f. Non-Compliance

Appropriate corrective action is to be taken against any peace officer employed by SISD Police Department who, after an investigation,, is shown to have engaged in racial profiling in violation of this policy which was adopted pursuant to Article 2.132, CCP.

Officers who violate any provision of this policy shall be subject to appropriate corrective and/or disciplinary action.